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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 09/770,662 | 01/29/2001 | Sabit Say | TPL 123 | 7039 |
| 26291 | 7590 | 11/17/2004 | EXAMINER | |
| MOSER, PATTERSON & SHERIDAN L.L.P. 595 SHREWSBURY AVE, STE 100 FIRST FLOOR SHREWSBURY, NJ 07702 | | | NG, CHRISTINE Y | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2663 | |

DATE MAILED: 11/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

ck

| | | | |
|------------------------------|------------------------|---------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 09/770,662 | SAY, SABIT | |
| | Examiner | Art Unit | |
| | Christine Ng | 2663 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 September 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 January 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable by U.S. Patent No. 6,192,109 to Amrany et al.

Referring to claim 1, Amrany et al disclose in Figure 2 a method for providing xDSL/POTS line sharing (Local loop 24) for multiple subscribers (Elements 26-29). The method comprising the steps of:

(a) Accessing a telephone line (local loop 24) supporting POTS services (from Telco Network in Central office 20) destined to a first subscriber (POTS equipment 26, 27 or 29). Local loop 24 provides POTS information from central office 20 to POTS telephones 26,29 or PSTN modem 27. Refer to Column 5, lines 4-21.

(b) Multiplexing xDSL services (from Internet in Central office 20) with said POTS services (from Telco Network in Central office 20) over said telephone line (Local loop 24) for delivery to a second subscriber (xDSL equipment 28). Access module 42 multiplexes xDSL signals from the Internet and POTS signals from the Telco Network. Local loop 24 provides xDSL information from central office 20 to xDSL modem 28. Refer to Column 5, lines 5-22.

(c) Splitting the xDSL services from the POTS services at a remote location (Customer premise 22). POTS splitter 30 at the customer premise 22 separates the low frequency POTS signals from the high frequency xDSL signals. Refer to Column 5, lines 22-29.

Amrany et al do not disclose that splitting the xDSL services from the POTS services at a remote location occurs outside a residence of at least one of the subscribers (Elements 26-29).

However, the POTS splitter 30 at the customer premise 22 can be located anywhere. Placing the splitter 30 outside the customer premises 22 yields no unexpected results. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include that splitting the xDSL services from the POTS services at a remote location occurs outside a residence of at least one of the subscribers, the motivation being that the POTS splitter 30 performs the same function whether it is located inside or outside the residence of the subscribers.

Referring to claim 2, Amrany et al disclose in Figure 2 that the method further comprises the step of:

(d) Forwarding the POTS services to the first subscriber (POTS equipment 26, 27 or 29). POTS splitter 30 sends the POTS information to POTS equipment 26, 27 or 29 through the POTS filter. Refer to Column 5, lines 22-29.

Referring to claim 3, Amrany et al disclose in Figure 2 that the method further comprises the step of:

(d) Forwarding the xDSL services to a second subscriber (xDSL equipment 28). POTS splitter 30 sends the xDSL information to xDSL equipment 28 through the high-pass filter. Refer to Column 5, lines 22-29.

Referring to claim 5, Armany et al disclose in Figure 2 a system providing POTS/xDSL line sharing for multiple subscribers (Elements 26-29) over a single telephone line (Local loop 24). The system comprises:

(a) A xDSL interface (Internet connected to Access Module 42) located at or near a central office (Element 20) for sending to and receiving xDSL signals from a first subscriber (xDSL equipment 28). Access module 42 accepts xDSL signals from the Internet. Local loop 24 transmits xDSL signals from central office 20 to xDSL modem 28. Refer to Column 5, lines 5-22.

(b) A POTS interface (Telco Network connected to Access Module 42) located at or near the central office (Element 20) for sending to and receiving POTS signals from a second subscriber (POTS equipment 26, 27 and 29). Access module 42 accepts POTS signals from the Telco Network. Local loop 24 transmits POTS signals from central office 20 to POTS telephones 26,29 or PSTN modem 27. Refer to Column 5, lines 5-22.

(c) A splitter/coupler (Access Module 42) for multiplexing both xDSL and POTS signal over a single telephone line (Local loop 24) and for splitting (Element 30) xDSL and POTS signals received over said telephone line (Local loop 24). Access module 42 multiplexes xDSL signals from the Internet and POTS signals from the Telco Network

for transmission across local loop 24. Refer to Column 5, lines 11-14. POTS splitter 30 at the customer premise 22 separates the low frequency POTS signals from the high frequency xDSL signals. Refer to Column 5, lines 22-29.

(d) A second splitter (Element 30) located at a remote location (Customer premise 22) for separating POTS signals from xDSL signals and for forwarding said POTS signals to the second subscriber (POTS equipment 26, 27 or 29). POTS splitter 30 at the customer premise 22 separates the low frequency POTS signals from the high frequency xDSL signals. POTS splitter 30 then sends the POTS information to POTS equipment 26, 27 or 29 through the POTS filter. Refer to Column 5, lines 22-29.

Amrany et al do not disclose that the second splitter 30 is located at a remote location outside a residence of at least one of the subscribers (Elements 26-29). Refer to the rejection of claim 1.

Response to Arguments

3. Applicant's arguments filed 28 September 2004 have been fully considered but they are not persuasive.

Referring to the argument against claims 1-5 that Amrany et al do not disclose that the splitter at the remote location is located outside a residence of at least one subscribers (Page 4, line 21 to Page 5, line 28), the splitter 30 at the customer premises 22 can be located anywhere. Placing the splitter 30 outside the customer premises 22 yields no unexpected results since the splitter 30 performs the same function whether it is located inside or outside the residence of the subscribers.

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

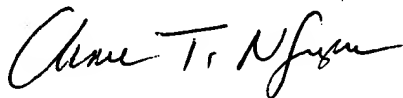
5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christine Ng whose telephone number is (571) 272-3124. The examiner can normally be reached on M-F; 8:00 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau Nguyen can be reached on (571) 272-3126. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2663

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

C. Ng ω
November 12, 2004

A handwritten signature in black ink, appearing to read "Chau Nguyen", is positioned above the printed name and title.

**CHAU NGUYEN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600**